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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION

NORTHWEST ENVIRONMENTAL  
ADVOCATES, a non-profit corporation,

Plaintiff,

v.

UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY, a United States  
Government Agency,

Defendant,

v.

STATE OF OREGON, OREGON WATER  
QUALITY STANDARDS GROUP, and  
FRESH WATER TRUST

Intervenor-Defendants

Case No. 3:12-cv-01751-HZ

JOINT STATUS REPORT #6

Intervenor-Defendant State of Oregon and Defendant United States Environmental Protection Agency submit this Joint Status Report in compliance with the Court's Final Order and Judgment entered October 4, 2019 (ECF # 207) and Order Amending Final Order and Judgment

entered October 19, 2020 (ECF # 224), which provide, as to reporting:

(8) Beginning on the effective date of this order, Oregon and EPA shall file a joint status report every 120 days that advises the Court and NWEA of the status of replacement TMDLs required by paragraph (4). The status report shall state whether Oregon and EPA's work on the replacement TMDLs continues on- schedule, and, if not, informs the Court and NWEA of the nature and cause of the delay(s) or anticipated delay(s) and of Oregon and EPA's plan to remedy or minimize the delay(s).

## **Oregon DEQ reports:**

### **1. Overall progress summary**

As discussed in Section 2 below, DEQ has resolved a staffing issue that had slowed progress on QAPP development. DEQ completed the Sandy Subbasin QAPP and is going through final review on three of the four Willamette Basin QAPPs. Table 1 contains a summary and status of current and upcoming work and Table 2 summarizes DEQ's progress on the QAPPs.

**Table 1. Work summary**

<b>Completion date</b>	<b>Tasks</b>	<b>Status</b>
<i>Pre-TMDL technical development work (ongoing and planned)</i>		
July 2020 – May 2021	Data solicitation and data review (see previous court reports for details).	Complete
July 2020 – May 2021	Flow time series R-script	Complete
July 2020 – May 2021	Mapping designated management agencies (DMAs) for counties in project areas	Complete
September 2021	Complete Modeling Quality Assurance Project Plans (QAPPs)	QAPPs – behind DEQ's anticipated target schedule. See Table 2.
August 2021	Hired replacement Natural Resource Specialist level 4 staff position	Completed
August 2022	Implementation of modeling QAPPs	Started on Sandy Subbasin modeling

Completion date	Tasks	Status
August 2022	Development of technical code to streamline analysis tasks and document production	In progress.
<i>TMDL development work; TMDL and WQMP document writing and public process (planned)</i>		
Visit <a href="#">website</a> for details.	TMDL and Water Quality Management Plan (WQMP) document writing	Not started yet. Starts after pre-TMDL technical development work is completed
January 2022	Planning for public process for first set of project TMDLs: Sandy Subbasin and Willamette Subbasins TMDLs	Not started yet

## 2. Resources, staffing, and schedule

As noted in Status Report #5, a key staff member who was working on the QAPP development in the capacity of a Natural Resource Specialist level 4 position left DEQ unexpectedly in February 2021. This resulted in delays to QAPP project work and DEQ adjusted its target completion date for QAPPs for the Sandy and Willamette project areas (excluding the mainstem Willamette). DEQ has hired a replacement staffer who started on August 8, 2021. This position will focus on QAPP work.

The DEQ website for this project contains additional information about the replacement TMDLs. Link: <https://www.oregon.gov/deq/wq/tmdls/Pages/tmdlreplacement.aspx>

## 3. Modeling Quality Assurance Project Plans (QAPPs) development

Modeling QAPPs is a pre-TMDL development technical task. Modeling QAPPs provide general descriptions of the technical work to be performed to support TMDLs. The QAPPs ensure that the technical approach is scientifically valid and defensible. DEQ is currently prioritizing completion of QAPPs for the Willamette, Sandy, and Umpqua project areas. These projects areas are the first and second set of TMDLs that EPA must take action on based on the Court's TMDL schedule. Table 2 describes DEQ's progress on the QAPPs.

**Table 2. Percent of QAPP Sections Complete****Key**

100% = final review and signatures (EPA and DEQ)

90% or higher = QAPP sections are written needs final review

75% or higher = QAPP sections drafted and mostly complete

50% or higher = QAPP sections are 50%- 75% written; model calibration data organized and complete

25% or higher = QAPP sections are 25%-50% written; less than 50% model calibration data organized

10% or higher = QAPP sections are less than 25% written

1% or higher = Work includes researching, and/or organizing data, nothing written

0% = Not started

Southern Willamette Subbasins	95%
Mid Willamette Subbasins	95%
Lower Willamette and Clackamas Subbasins	95%
Sandy Subbasin	100%
Willamette River Mainstem and major Tributaries	83%
North Umpqua Subbasin	90%
South Umpqua and Umpqua Subbasins	95%
Rogue - Applegate, Illinois, Middle, Lower, and Upper Rogue Subbasins	95%
John Day River Basin	95%
Snake River - Hells Canyon	EPA – 5%
Lower Grande Ronde, Imnaha, and Wallowa Subbasins	90%
Middle Columbia-Hood	86%
Walla Walla	87%
Willow Creek Subbasin	87%
Malheur River Subbasins	87%

**4. Implementation of Modeling Quality Assurance Project Plans (QAPPs)**

The Quality Assurance Project Plan (QAPP) summarizes the modeling and technical approach to be used for the temperature TMDL replacement project, including development of allocations. DEQ has started working on developing and updating the Sandy Subbasin temperature models.

**Oregon DEQ and EPA report:**

Oregon DEQ and EPA continue to work together to address the delays in Oregon DEQ's progress under its internal schedule for the pre-TMDL project development tasks. EPA amended

the Technical Direction document to involve EPA's contractor (Tetra Tech) in additional activities identified by Oregon DEQ as appropriate for the contractor to undertake with EPA's supervision to address the needs of this project.

At the request of both Oregon DEQ and Idaho DEQ, EPA is assuming the technical lead for the development of the Snake River/Hells Canyon Subbasin temperature TMDL. As reported in Status Reports #4 and #5, EPA held two conference calls with Oregon DEQ and Idaho DEQ to discuss scoping, roles and responsibilities, and technical approach. Since then, EPA selected a preferred modeling approach for the Snake River/Hells Canyon Subbasin temperature TMDL and is developing the technical directive for the EPA contractor to assist with QAPP and model development. The preferred modeling approach involves extending the geographical scope of a model developed by a third party for the Hells Canyon Reservoir complex; EPA has met with the third party regarding the model and is awaiting receipt of the model and associated documentation, which is anticipated within the next two months.

During this reporting period, EPA's contractor, Tetra Tech, also continued to assist Oregon DEQ with pre-TMDL technical work for the first set of TMDLs that are due on the court-ordered schedule. The Contractor held a kick-off call in July for the Willamette Temperature TMDL to coordinate with Oregon DEQ on accessing existing models and relevant data to begin work on updating the Willamette TMDL models. The Contractor completed compiling information for incorporation into the QAPP and submitted draft text to Oregon DEQ. They have also been tasked

by EPA to begin work on the model for the Willamette TMDLs. This work will include reviewing data, developing model inputs, and conducting model calibration.

DATED September 23, 2021.

Respectfully submitted,

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